

**ASSEMBLY BILL**

**No. 2306**

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**Introduced by Assembly Member Donnelly**

February 24, 2012

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An act to amend Section 8558 of the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2306, as introduced, Donnelly. California Emergency Services Act: border security.

Existing law, the California Emergency Services Act, authorizes the Governor to declare a state of emergency, and local officials and local governments to declare a local emergency, when specified conditions of disaster or extreme peril to the safety of persons and property exist. Existing law authorizes the Governor, upon declaration of a state of emergency, to exercise broad powers, including, among others, to use and employ any of the property, services, and resources of the state to respond to the emergency, to suspend certain statutes or regulations, and to commandeer private property or personnel.

This bill would add border security to the list of those conditions that would constitute a state of emergency or local emergency for purposes of the California Emergency Services Act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 8558 of the Government Code is amended  
2     to read:

1     8558. Three conditions or degrees of emergency are established  
2 by this chapter:

3     (a) “State of war emergency” means the condition which exists  
4 immediately, with or without a proclamation thereof by the  
5 Governor, whenever this state or nation is attacked by an enemy  
6 of the United States, or upon receipt by the state of a warning from  
7 the federal government indicating that such an enemy attack is  
8 probable or imminent.

9     (b) “State of emergency” means the duly proclaimed existence  
10 of conditions of disaster or of extreme peril to the safety of persons  
11 and property within the state caused by such conditions as air  
12 pollution, fire, flood, storm, epidemic, riot, drought, sudden and  
13 severe energy shortage, plant or animal infestation or disease, the  
14 Governor’s warning of an earthquake or volcanic prediction, or  
15 an earthquake, *border security*, or other conditions, other than  
16 conditions resulting from a labor controversy or conditions causing  
17 a “state of war emergency,” which, by reason of their magnitude,  
18 are or are likely to be beyond the control of the services, personnel,  
19 equipment, and facilities of any single county, city and county, or  
20 city and require the combined forces of a mutual aid region or  
21 regions to combat, or with respect to regulated energy utilities, a  
22 sudden and severe energy shortage requires extraordinary measures  
23 beyond the authority vested in the California Public Utilities  
24 Commission.

25     (c) “Local emergency” means the duly proclaimed existence of  
26 conditions of disaster or of extreme peril to the safety of persons  
27 and property within the territorial limits of a county, city and  
28 county, or city, caused by such conditions as air pollution, fire,  
29 flood, storm, epidemic, riot, drought, sudden and severe energy  
30 shortage, plant or animal infestation or disease, the Governor’s  
31 warning of an earthquake or volcanic prediction, or an earthquake,  
32 *border security*, or other conditions, other than conditions resulting  
33 from a labor controversy, which are or are likely to be beyond the  
34 control of the services, personnel, equipment, and facilities of that  
35 political subdivision and require the combined forces of other  
36 political subdivisions to combat, or with respect to regulated energy  
37 utilities, a sudden and severe energy shortage requires extraordinary

- 1 measures beyond the authority vested in the California Public
- 2 Utilities Commission.

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